

The Arc  
High Street  
Clowne  
S43 4JY

To: Chair & Members of the Council

Contact: Nicola Calver  
Telephone: 01246 217753  
Email: nicola.calver@ne-  
derbyshire.gov.uk

Thursday, 27 January 2022

Dear Councillor

**COUNCIL – WEDNESDAY, 2ND FEBRUARY, 2022 AT 10:00 HOURS**

I refer to your recently circulated agenda for the above meeting and now enclose a copy of the papers which were marked 'To Follow'.

Also enclosed is an amended document for Role of the Returning Officer and Interim Role of Monitoring Officer. Please refer to this document when considering the item at Council.

Yours faithfully



Solicitor to the Council & Monitoring Officer



**We speak your language**  
Polish **Mówimy Twoim językiem**  
Slovak **Rozprávame Vaším jazykom**  
Chinese **我们会说你的语言**

**If you require this agenda in large print  
or another format please call us on 01246 217753**

If you require an adjustment to enable you to participate in or access the meeting please contact the Governance Team at least 72 hours before the meeting starts.

## COUNCIL

*Wednesday, 2nd February, 2022 at 10:00 in the Council Chamber, The Arc,  
Clowne*

<b>Item No.</b>	<b>PART 1 – OPEN ITEMS</b>	<b>Page No.(s)</b>
<b>13.</b>	<b>Role of the Returning Officer and Interim Role of Monitoring Officer</b>  Report of the Leader of the Council.	3 - 6
<b>15.</b>	<b>Councillor Dispensation</b>  To consider the application from a Member for dispensation from the S.85 rule of attending meetings.  (Paragraphs 1,2 and 3)	7 - 8

## Bolsover District Council

### Council

2nd February 2022

## **ROLE OF THE RETURNING OFFICER AND INTERIM ROLE OF MONITORING OFFICER**

### Report of the Leader of the Council

<u>Classification:</u>	This report is public
<u>Report By:</u>	Sarah Sternberg, Solicitor to the Council and Monitoring Officer
<u>Contact Officer:</u>	Sarah Sternberg, Solicitor to the Council and Monitoring Officer, <a href="mailto:sarah.sternberg@bolsover.gov.uk">sarah.sternberg@bolsover.gov.uk</a> / 01246 242414

---

### **PURPOSE / SUMMARY**

As Members are aware, the Council is recruiting a new Assistant Director of Governance and Monitoring Officer. This post holder is currently also the Council's Returning Officer. This report makes provision for the appointment of a new Returning Officer for the Council and for interim arrangements for the Monitoring Officer until such time as the new post holder in post.

---

### **REPORT DETAILS**

#### **1 Background**

- 1.1 It is necessary for the Council to have a Returning Officer to handle all elections (both planned and unplanned) and an Electoral Registration Officer to deal with electoral registration and the annual publication of Electoral Registers together with the rolling register. These posts are usually held by the same officer.
- 1.2 The Council already has in place an Elections Team led by an Electoral Services Manager. The Manager will still report to and be managed by the Assistant Director Governance and Monitoring Officer (when appointed). However it is proposed in this report that the role of Returning Officer and Electoral Registration Officer be held by the Executive Director of Strategy and Development. This officer has the seniority and experience to carry out the role.
- 1.3 The change will come into force on the 5<sup>th</sup> February 2022, if approved.
- 1.4 This appointment will be referred to the next Standards Committee as a change to the Delegation Scheme in the Constitution. This will enable all the relevant

changes to be made in the Delegation Scheme. This will not affect the change occurring on the 5<sup>th</sup> February 2022.

- 1.5 In terms of the Monitoring Officer role, the current post holder is due to leave the Authority on the 5<sup>th</sup> February 2022. The Post Holder's management responsibilities can be picked up on a temporary basis by the Executive Director of Strategy and Development. However the Monitoring Officer is a statutory role and there must be no gap in the appointment. It is therefore necessary to appoint a temporary Monitoring Officer until the new Post Holder takes up their role.
- 1.6 It is proposed that this statutory role is given to the Team Leader, Non contentious Jim Fieldsend from the 5<sup>th</sup> February until Council appoints a new Monitoring Officer.

## **2. Details of Proposal or Information**

- 2.1 To make the Executive Director of Strategy and Development the Returning Officer and Electoral Registration Officer and to refer the change to the Standards Committee for inclusion in the Delegation Scheme in the Constitution.
- 2.2 To ensure that there is a Monitoring Officer appointed, to appoint Jim Fieldsend, the Team Leader (Non Contentious) as Monitoring Officer from the 5<sup>th</sup> February 2022 until such time as a permanent appointment is made.

## **3 Reasons for Recommendation**

- 3.1 The Council must have a Returning Officer and an Electoral Registration Officer to take personal responsibility for the running of elections and the electoral register.
- 3.2 The Council must by law have a Monitoring Officer at all times and these proposals ensure that that this will happen.

## **4 Alternative Options and Reasons for Rejection**

- 4.1 It is considered that the proposals in this report are the appropriate ones for the Council.

## RECOMMENDATIONS

1. The Executive Director of Strategy and Development is appointed as Returning Officer and Electoral Registration Officer for the Council and that the changes to the Delegation Scheme are recommended to the Standards Committee for inclusion in the Constitution; and
2. Jim Fieldsend is appointed as Monitoring Officer from 5<sup>th</sup> February until the Council appoints a permanent Monitoring Officer.

Approved by the Portfolio Holder - Cllr Duncan McGregor Executive Member for  
Corporate Governance

---

## IMPLICATIONS

---

**Finance and Risk:**      Yes       No

**Details:**

On Behalf of the Section 151 Officer

---

**Legal (including Data Protection):**      Yes       No

**Details:**

By law only the Council itself can appoint a temporary or permanent Monitoring Officer and Returning Officer and Electoral Registration Officer.

On Behalf of the Solicitor to the Council

---

**Staffing:**      Yes       No

**Details:**

As in the report

On behalf of the Head of Paid Service

---

## DECISION INFORMATION

<b>Decision Information</b>	
<p><b>Is the decision a Key Decision?</b>  A Key Decision is an executive decision which has a significant impact on two or more District wards or which results in income or expenditure to the Council above the following thresholds:</p> <p><b>BDC:</b>  Revenue - £75,000 <input type="checkbox"/> Capital - £150,000 <input checked="" type="checkbox"/></p> <p><b>NEDDC:</b>  Revenue - £100,000 <input type="checkbox"/> Capital - £250,000 <input type="checkbox"/>  <input checked="" type="checkbox"/> <i>Please indicate which threshold applies</i></p>	No
<p><b>Is the decision subject to Call-In?</b>  (Only Key Decisions are subject to Call-In)</p>	No
<b>District Wards Significantly Affected</b>	None directly
<p><b>Consultation:</b>  Leader / Deputy Leader <input checked="" type="checkbox"/> Cabinet / Executive <input type="checkbox"/>  SAMT <input type="checkbox"/> Relevant Service Manager <input type="checkbox"/>  Members <input type="checkbox"/> Public <input type="checkbox"/> Other <input type="checkbox"/></p>	Yes  Details:

<b>Links to Council Ambition (BDC)/Council Plan (NED) priorities or Policy Framework including Climate Change, Equalities, and Economics and Health implications.</b>
Not applicable

## DOCUMENT INFORMATION

Appendix No	Title
<p><b>Background Papers</b> (These are unpublished works which have been relied on to a material extent when preparing the report. They must be listed in the section below. If the report is going to Cabinet (NEDDC) or Executive (BDC) you must provide copies of the background papers)</p>	

# Agenda Item 15

By virtue of paragraph(s) 1, 2 of Part 1 of Schedule 12A of the Local Government Act 1972.

Document is Restricted